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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,267	03/20/2001	Tyler Lowrey	2024.24	2620
24963	7590	02/24/2004	EXAMINER	
ENERGY CONVERSION DEVICES, INC.			CAO, PHAT X	
2956 WATERVIEW DRIVE			ART UNIT	
ROCHESTER HILLS, MI 48309			PAPER NUMBER	
			2814	

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/813267

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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0204

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

see attached papers for details.

NON-RESPONSIVE AMENDMENT

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1. The cancellation of claims 1-21 and 32-44 is acknowledged.
2. Newly submitted claims 45-49 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the product as claimed in newly submitted claims 45-49 discloses an electrically contact having a cup-shaped and coupled to a substrate, the cup-shaped contact having an open end, having a dielectric material formed over the interior surface of the cup-shaped contact, and having protrusion(s) extending upward from the rim of the cup-shaped contact. On the other hand, the original elected claims disclose the product comprising an electrically contact having no open ends, no dielectric material formed over the interior surface of the cup-shaped contact, and no protrusion(s) extending upward from the rim of the cup-shaped contact. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 45-49 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.
3. The amendment filed on 11/22/03 canceling all claims drawn to the elected invention (claims 1-21 and 32-44) and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because newly submitted claims 45-49 are directed to an electrically contact having a cup-shaped and coupled to a substrate, the cup-shaped

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contact having an open end, having a dielectric material formed over the interior surface of the cup-shaped contact, and having protrusion(s) extending upward from the rim of the cup-shaped contact which is different patentably invention from the original elected claims.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phat X. Cao whose telephone number is (571) 272-1703. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (571) 272-1705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PC  
February 17, 2004

A handwritten signature in black ink, appearing to read 'Phat X. Cao', with a long, sweeping horizontal stroke extending to the right.

**PHAT X. CAO**  
**PRIMARY EXAMINER**